

REMARKS

Applicant has amended claims 30 and 45. Support for the amendments to claims 30 and 45 may be found in the specification at, for example, p. 9, ll. 19-24 and ll. 29-32. Upon entry of this Amendment, claims 30-36, 38-50, and 52-58 are pending and under current examination.

For the reasons presented herein, Applicant traverses the rejections set forth in the Final Office Action, wherein the Examiner rejected claims 30-36, 38-50, and 52-58 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent Application Publication No. 2002/0016169 A1 ("*Sykes*").

Rejection of Claims 30-36, 38-50, and 52-58 under 35 U.S.C. § 102(b):

Applicant requests reconsideration and withdrawal of the rejection of claims 30-36, 38-50, and 52-58 under 35 U.S.C. § 102(b) as being anticipated by *Sykes*. In order to establish anticipation under 35 U.S.C. § 102, the Examiner must show that each and every element as set forth in the claims is found, either expressly or inherently, in *Sykes*. See M.P.E.P. § 2131.

The Final Office Action alleged that the above-quoted portion of claims 30 and 45 (prior to the current claim amendments) is disclosed in *Sykes* at par. [0062]. See Final Office Action, pp. 4-5. According to the Final Office Action, "the improving [of] the location is relative according to the manner in which the claim language is written." *Id.* The Final Office Action then introduced an exemplary scenario wherein "if a match is found indicating that the mobile unit is located on a plane then [a] set [of] actions can be applied to improve the location of the mobile phone with respect to the [u]ser, [l]ocation, [n]eighboring users, signal strength etc." Final Office Action, p. 5.

Applicant respectfully disagrees with the allegations in the Final Office Action. Nevertheless, Applicant has amended independent claims 30 and 45 to more clearly define the

claimed invention. Claims 30 and 45, as amended, recite that the location of the mobile terminal is improved with respect to “the accuracy of the location” (emphasis added). Moreover, the claimed set of actions is “carried out by said mobile terminal or said mobile network,” as recited in amended claims 30 and 45 (emphasis added). That is, the location improvement is not related to the “[u]ser, [l]ocation, [n]eighboring users, signal strength etc.,” (Final Office Action at p. 5); and the set of actions is not carried out by an “external entity” (Final Office Action, pp. 2-3).

Therefore, contrary to the allegations in the Final Office Action, *Sykes* does not disclose or suggest at least Applicant’s claimed “when a match is found ... activating a set of location actions carried out by said mobile terminal or said mobile network, to improve the accuracy of the location of said mobile terminal being monitored within said given target area,” as recited in amended independent claims 30 and 45 (emphases added). In contrast, *Sykes* discloses that “the operating feature of the mobile terminal corresponding to the stored reference data is applied as soon as that reference data matches the data sent by the base station of the cell in which the mobile terminal is located” *Sykes*, par. [0025] (emphasis added). *Sykes*, therefore, does not disclose each and every element of Applicant’s claims.

Since *Sykes* does not disclose each and every element of independent claims 30 and 45, *Sykes* does not anticipate claims 30 and 45 under 35 U.S.C. § 102(b). Therefore, claims 30 and 45 should be allowable over *Sykes*. Dependent claims 31-36, 38-44, 46-50, and 52-58 should also be allowable at least due to their respective dependence from independent claim 30 or 45. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection.

Conclusion:

In view of the foregoing, Applicant requests reconsideration of the application and withdrawal of the rejections. Pending claims 30-36, 38-50, and 52-58 are in condition for allowance, and Applicant requests a favorable action.

The Final Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Final Office Action.

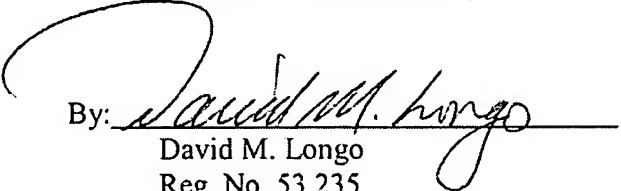
If there are any remaining issues or misunderstandings, Applicant requests that the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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